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Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction
New York, 19-23 August 2013

Note verbale dated 23 July 2013 from the Permanent Mission of Lithuania to the United Nations addressed to the Secretary-General

The Permanent Mission of the Republic of Lithuania to the United Nations presents its compliments to the Secretary-General and has the honour to transmit herewith a letter dated 23 July 2013 from the Head of the Working Party on the Law of the Sea of the Council of the European Union addressed to the Co-Chairs of the Ad Hoc Open-ended Informal Working Group regarding a proposal to initiate a process for the preparation of a decision on the development of an international instrument under the United Nations Convention on the Law of the Sea relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction (see annex).

The Permanent Mission of the Republic of Lithuania to the United Nations kindly requests that the present note and its annex be issued as a document of the Ad Hoc Open-ended Informal Working Group.

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Annex to the note verbale dated 23 July 2013 from the Permanent Mission of Lithuania to the United Nations addressed to the Secretary-General

Letter dated 23 July 2013 from the Head of the Working Party on the Law of the Sea of the Council of the European Union addressed to the Co-Chairs of the Ad Hoc Open-ended Informal Working Group

Proposal to start a process to prepare the decision on the development of an international instrument under the United Nations Convention on the Law of the Sea relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction

I have the honour to address you on behalf of the European Union and its 28 Member States in preparation for the upcoming meeting of the Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction, which will take place from 19 to 23 August 2013.

The European Union and its Member States have been strong supporters of the Working Group since the commencement of its work in 2006. During these seven years the Working Group has served as an excellent forum for the exchange of views and sharing of expertise and has demonstrated its commitment towards a common goal: the conservation and sustainable use of biodiversity in areas beyond national jurisdiction. However, we believe that further discussions within the current mandate will not result in any further developments on a way forward.

The work undertaken by the Working Group has been acknowledged in the outcome document of the United Nations Conference on Sustainable Development, held in Rio de Janeiro, Brazil, from 20 to 22 June 2012, entitled "The future we want", in which States committed themselves to addressing, on an urgent basis, building on the work of the Working Group and before the end of the sixty-ninth session of the General Assembly, the issue of the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, including by taking a decision on the development of an international instrument under the United Nations Convention on the Law of the Sea. Such a decision would establish a clear political mandate to further advance and conclude our deliberations on this issue in a timely manner.

The European Union and its Member States also note with great satisfaction the results of the two intersessional workshops held at United Nations Headquarters in May 2013, with a view to improving understanding of the issues related to the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction and clarifying key questions as an input to the work of the Working Group. We consider that those workshops, which ensured the wide participation of relevant stakeholders, particularly scientists, industry and non-governmental organizations, resulted in a well-informed presentation and discussion of the issues.

In our view, the workshops provided valuable scientific and technical information and addressed the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction and marine genetic resources and conservation and management tools, including area-based management and environmental impact assessments. Both workshops also considered issues related to international cooperation, as well as capacity-building and the transfer of marine technology. We reiterate that all these elements, taken together as a whole, should form the main building blocks of the future negotiation of an implementing agreement under the United Nations Convention on the Law of the Sea for the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction.

As reflected in the summaries of the Co-Chairs, the workshops demonstrated the importance of the conservation and sustainable use of marine biodiversity and marine genetic resources in areas beyond national jurisdiction. We have noted a broad need to address both the shortcomings in implementation and existing gaps in the institutional framework in order to fulfil our collective obligations related to the conservation and sustainable use of marine biodiversity in these areas. These workshops, in view of the European Union and its Member States, provided further evidence of the need for negotiations to commence on a new implementing agreement to establish a more effective legal framework.

However, views expressed at the workshops also reflected the concerns of several participants with regard to the need for better understanding with regard to the possible contents of such an instrument.

The European Union and its Member States maintain the view that negotiations for an implementing agreement should be launched as soon as possible, and they agree with what has been said and repeated on many occasions: the status quo is not acceptable.

However, in light of the concerns expressed by delegations at the workshops and in a spirit of cooperation, the European Union and its Member States stress the need to prepare for the decision to be taken by the end of the sixty-ninth session of the General Assembly, as established by the United Nations Conference on Sustainable Development. With this deadline rapidly approaching, the European Union and its Member States consider that we should unite our efforts in reaching common ground on the contents of a possible future instrument to ensure that all parties can make the best-informed decision.

We believe that this can only be achieved through a substantive discussion on the different issues already tackled at the workshops. Consequently, we would like to suggest that the Working Group recommend to the General Assembly, at its sixty-eighth session, the initiation of a preparatory process to prepare the decision that we committed to take at the United Nations Conference on Sustainable Development, including by examining the scope and contents of a possible future implementing agreement and, for that purpose, the establishment of an intergovernmental group. Such a preparatory process, to conclude within the agreed deadlines, should enable the required political discussion on these issues.

The European Union and its Member States very much hope that our partners can consider this proposal favourably. We are ready to discuss it further at the meeting of the Working Group and to provide all our support to the work of the new process.

(*Signed*) Rytis **Satkauskas**
Head of Treaties Division
Ministry of Foreign Affairs of Lithuania

Chair of the Working Party on the Law of the Sea
of the Council of the European Union